

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

**ALLEN M. W.,<sup>1</sup>**

Plaintiff,

v.

**NANCY A. BERRYHILL,**  
Acting Commissioner of the  
Social Security Administration,

Defendant.

No. 6:17-cv-01458-YY

OPINION AND ORDER

**MOSMAN, J.,**

On January 7, 2019, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (F&R) [16], recommending that I affirm the Commissioner's decision. No objections were filed.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court

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<sup>1</sup> In the interest of privacy, this opinion uses only the first name and the initial of the last name of the non-governmental party in this case.

is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge You's recommendation and I ADOPT the F&R [16] in full. The Commissioner's decision is AFFIRMED.

IT IS SO ORDERED.

DATED this 30 day of January, 2019.



MICHAEL W. MOSMAN  
Chief United States District Judge